HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P.NO. 22231 OF 1997

Between:

K. Robert Paul

… Petitioner

and

The Commissioner of Tribal Welfare and others

… Respondents

HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P.NO. 22231 OF 1997

ORAL ORDER:

The action of the 5th respondent in insisting that the petitioner produce the latest caste certificate to show that he belongs to the "Valmiki" sect, a Scheduled Tribe Community, for appointment to the post of Agricultural Officer, is under challenge in this writ petition.

Sri K. Venkatesh, learned counsel for the petitioner, would contend that since the post of Agricultural Officer, for which recruitment was held in 1997, was to fill up backlog vacancies for the Scheduled Tribes and the petitioner was found eligible, however, the said post was kept vacant since an enquiry was in progress for verification of the caste status of the petitioner. Learned counsel would draw attention of this court to the proceedings of the Collector and District Magistrate dated 17.5.2004, wherein, in exercise of the powers conferred under Rule 9 (7) of the A.P. (SC, ST and BCs) Issue of Community, Nativity and Date of Birth Certificates Rules 1997, notified in G.O.Ms.No.58 dated 12.5.1997, the caste certificate of the petitioner's father Sri Khambham John Bhaskara Rao and his family members as "Valmiki

(ST) was confirmed. According to the learned counsel, pursuant thereto, the Commissioner of Tribal Welfare, vide letter dated 24.8.2005, informed the Commissioner and Director of Agriculture that the petitioner was provisionally cleared as belonging to “Valmiki” sect, a Scheduled Tribe Community, in the State of Andhra Pradesh, subject to the final orders of the High Court in this writ petition and that the provisional clearance given about the Scheduled Tribe status of the petitioner was based on the material adduced by him and that it did not preclude the office or any other investigating agency from holding further enquiries into his community claim at a later date and if any subsequent enquiry into his community status revealed it to be false, his appointment under the Scheduled Tribe quota was liable for termination and he would be liable for criminal prosecution as well. The Commissioner and Director of Agriculture was requested to issue appointment orders after duly getting an undertaking signed by the petitioner.

Sri K. Venkatesh, learned counsel, would further submit that, pursuant thereto, the Commissioner of Agriculture vide proceedings dated 5.9.2005, appointed the petitioner as Agricultural Officer, subject to the conditions prescribed therein and the petitioner was issued consequential posting orders on 14.9.2005 and accordingly the petitioner joined as Agricultural Officer. Learned counsel would submit that since the petitioner had been appointed subject to the result of the writ petition and, while the cause in the writ petition does not necessitate any further adjudication, he apprehends that the

respondents would terminate his appointment if the writ petition is dismissed as infructuous.

Learned Government Pleader for Social Welfare would emphasize that the very name of the petitioner i.e., K. Robert Paul would itself establish that he does not belong to ST community and since he is a Christian by faith, he would only belong to BC-C category and would not be entitled for benefits of reservation provided in favour of the Scheduled Tribes.

This contention of the learned Government Pleader does not necessitate examination in this writ petition. It is the District Magistrate and Collector who, after due enquiry, had determined that the petitioner belonged to the "Valmiki" sect and falls within the ST category. The Commissioner of Tribal Welfare, in his letter dated 24.8.2005, clearly informed the Commissioner and Director of Agriculture that the provisional clearance given to the petitioner about his ST status did not preclude the office or any other investigating agency from holding further enquiries into his community claim at a later date.

In as much as the petitioner had been appointed on the basis of an enquiry that he belonged to the ST community, his appointment as Agricultural Officer cannot be faulted. It is, however, made clear that the mere fact that the petitioner had been appointed as an Agricultural Officer will not preclude the respondents from causing any enquiry into his status as a Scheduled Tribe candidate and take action, if need be,

in accordance with law.

The writ petition is disposed of accordingly. No costs.

RAMESH RANGANATHAN, J

DATE: 28.2.2007

CVM